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8 Attorneys for Defendants
9 **TERRA VAC CORPORATION and**
10 **TERRA-VAC, INC. dba TERRA-VAC, P.R.**

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA
13

14 JACOB CALANNO,

15 Plaintiff,

16 v.

17 TERRA VAC CORPORATION, a California
18 corporation; TERRA-VAC, INC., a
19 corporation, dba TERRA-VAC, P.R.; and
20 DOES 1 through 100, inclusive

21 Defendants.

CASE NO. 07cv2052-BTM (POR)

Hearing Date: 05/02/2008

Time : 11:00 a.m.

Courtroom : 15

NOTICE OF MOTION AND MOTION
TO DISMISS FOR FAILURE TO
STATE A CLAIM UPON WHICH
RELIEF CAN BE GRANTED (FRCP
12(b)(6))

NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT

22 **TO: PLAINTIFF AND HIS ATTORNEY OF RECORD:**

23 **PLEASE TAKE NOTICE** that on May 2, 2008 at 11:00 a.m. or as soon thereafter as the
24 matter may be heard in the above-entitled court, located at United States District Court, Southern
25 District of California, 940 Front Street, San Diego, CA 92101-8900, defendants TERRA VAC
26 CORPORATION, TERRA-VAC, INC. dba TERRA-VAC, P.R. WILL MOVE THE COURT TO
27 DISMISS THE ACTION PURSUANT TO FRCP 12(b)(6) because plaintiff's complaint fails to
28 state a claim upon which relief can be granted.

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1 The motion will be based on this Notice of Motion and Motion, the Memorandum of
2 Points and Authorities filed herewith, and the pleadings and papers filed herein.

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4 Dated: 3/18/08

**MAXIE RHEINHEIMER STEPHENS &
VREVICH, LLP**

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7 By: 

8 Barry M. Vrevich
9 Jillian M. Fairchild
10 Attorneys for Defendant, **TERRA VAC**
11 **CORPORATION and TERRA-VAC,**
12 **INC. dba TERRA-VAC, P.R.**
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